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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 27

Application Number: 09/754,969

Filing Date: January 05, 2001

Appellant(s): HUANG, EVAN S.

Joe Zheng
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 4, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that the appealed claims do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,202,072 KUWAHARA 3-2001

Arn et al., PCT International Application Publication No. WO 94/14122, Application No. PCT/CA93/00525, Publication date: 23 June, 1994.

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-27, 29-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwahara, U.S. Patent No. 6,202,072 issued March 2001, in view of Arn et al. (hereinafter Arn), PCT International Application Publication No. WO 94/14122, Application No. PCT/CA93/00525, Publication date: 23 June 1994.

In regard to independent claim 1, Kuwahara teaches creation of a structured (SGML) document from a plain text document (Kuwahara Abstract; compare with claim 1 “*a method of producing a structured document, the method comprising:*”).

Kuwahara teaches receiving a document type definition (DTD) file, as well as a prototype file (Kuwahara Figure 1, column 5 lines 6-15; compare with claim 1 “*receiving a definition file including document type definitions (DTD)...*”). Said files are used to generate a document type definition reflected as a tree structure of hierarchical elements (Kuwahara Figure 2, also column 5 lines 31-65; compare with claim 1 “*to generate a tree structure showing hierarchical relationships of document elements;*”).

Kuwahara teaches displaying an output presentation comprising a plain text file for inputting data by a user within a form with field elements (decoration attributes/displayable objects) (Kuwahara Figure 3 item a, column 6 lines 17-27). Kuwahara Figure 2 (at left) shows the same plain text document presentation with a simultaneous showing of its DTD containing corresponding elements (Name, Department, Address) mapped to a hierarchical tree Kuwahara Figure 2 (at right). The tree elements are based upon root element “Document For Application” in said tree of Figure 2 (at right). Kuwahara does not specifically teach displaying to a user Kuwahara’s simultaneous depiction of the diagrams of Figure 2. However, Arn teaches user display of structural documents in a left hand pane comprising hierarchically nested elements (a tree of elements containing root elements), said elements simultaneously associated and displayed with content portions of a document in a right hand pane (Arn Abstract, Figures 1-6, also page 3 lines 9-14). The tree of elements are associated with the document’s DTD, constraining the user to only those modifications allowed by said document’s DTD (Arn page 3 lines 1-14, page 6 lines 23-30, page 7 lines 2-4, page 8 lines 1-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the simultaneous split display of Arn to Kuwahara’s representation of Figure 2, providing a user of Kuwahara the benefit of simultaneously visualizing document content, its DTD including a tree of corresponding elements and objects, helping to constrain a user to a particular DTD (Arn page 6 lines 23-29) (compare with claim 1 “*displaying an output presentation along with the DTD and the tree structure, the output presentation including a number of displayable objects and respective decoration attributes about each of the displayable objects, the DTD showing structures of the document elements and the tree structure showing the hierarchical relationships of the document*”).

elements based on a root element selected among the document elements”, and “*associating at least one of the document elements in the tree structure with one of the displayable objects*”).

Kuwahara teaches creating a structured document from an initial output presentation via DTD and an SGML conversion form (Kuwahara Figure 2, 3, 8, Abstract, column 8 lines 60-67; compare with claim 1 “*creating the structured document....with the one of the displayable objects.*”).

In regard to dependent claim 2, Kuwahara teaches creating a structured document from an initial output presentation via DTD, tree structure, and an SGML conversion form which modifies the output while preserving the same basic layout (Kuwahara Figure 2, 3, 8, Abstract, column 8 lines 60-67).

In regard to dependent claim 3, Kuwahara teaches converting a document with an SGML conversion form, to SGML (Kuwahara Figure 8).

In regard to dependent claim 5, Kuwahara teaches a tree structure comprising sub-document elements associated with displayable objects (Kuwahara Figure 2).

In regard to dependent claims 6, 7, Kuwahara teaches a tree structure comprising document elements, said elements identified with various alphanumeric input data (i.e. string data) (Kuwahara Figures 2, 3; compare with claims 6, 7).

In regard to dependent claim 8, Kuwahara does not specifically teach selection from a group of elements (font, color, size, style, effect). However, Arn teaches selection from a group of element identifiers, including a style (Arn Figure 1). It would have been obvious to one of ordinary skill in the art

at the time of the invention to apply Arn to Kuwahara, providing a user of Kuwahara the convenience of selecting from a group of elements associated with a document's DTD.

In regard to dependent claims 9-11, Kuwahara teaches a tree structure comprising document elements, said elements identified with various alphanumeric input data (i.e. string data) (Kuwahara Figures 2, 3).

Kuwahara does not specifically teach selection from a group of elements (font, color, size, style, effect). However, Arn teaches selection from a group of element identifiers, including a style (Arn Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Arn to Kuwahara, providing a user of Kuwahara the convenience of selecting from a group of elements associated with a document's DTD.

In regard to dependent claims 12-14, Kuwahara teaches an initial unstructured document (plain text) (Kuwahara column 5 lines 41-49).

Kuwahara teaches a tree structure comprising document elements, said elements identified with various alphanumeric input data (i.e. string data) (Kuwahara Figures 2, 3).

Kuwahara does not specifically teach selection from a group of elements (font, color, size, style, effect). However, Arn teaches selection from a group of element identifiers, including a style (Arn Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Arn to Kuwahara, providing a user of Kuwahara the convenience of selecting from a group of elements associated with a document's DTD.

In regard to independent claim 15, Kuwahara teaches displaying an output presentation comprising a plain text file for inputting data by a user within a form with field elements (decoration attributes/displayable objects) (Kuwahare Figure 3 item a, column 6 lines 17-27). Kuwahare Figure 2 (at

left) shows the same plain text document presentation with a simultaneous showing of its DTD containing corresponding elements (Name, Department, Address) mapped to a hierarchical tree Kuwahara Figure 2 (at right). The tree elements are based upon root element “Document For Application” in said tree of Figure 2 (at right). Kuwahara does not specifically teach displaying to a user Kuwahara’s simultaneous depiction of the diagrams of Figure 2 in split form. However, Arn teaches user display of structural documents in a left hand pane comprising hierarchically nested elements (a tree of elements containing root elements), said elements simultaneously associated and displayed with content portions of a document in a right hand pane (Arn Abstract, Figures 1-6, also page 3 lines 9-14). The tree of elements are associated with the document’s DTD, constraining the user to only those modifications allowed by said document’s DTD (Arn page 3 lines 1-14, page 6 lines 23-30, page 7 lines 2-4, page 8 lines 1-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the simultaneous split display of Arn to Kuwahara’s representation of Figure 2, providing a user of Kuwahara the benefit of simultaneously visualizing document content, its DTD including a tree of corresponding elements and objects, displayed in split form, helping to constrain a user to a particular DTD (Arn page 6 lines 23-29) (compare with claim 15 “*activating an environment including a first display and a second display....respective decoration attributes about each of the displayable objects*”).

Kuwahara teaches a tree structure comprising document elements. Element “STAFF” can be interpreted as a group object element in the tree structure, incorporating “NAME” and “DEPARTMENT” (Kuwahara Figure 2; compare with claim 15 “*forming a number of group objects, each of the group objects including one or more of the displayable objects*”).

Kuwahara teaches a tree structure comprising document elements, said elements identified with various alphanumeric input data as identifiers (i.e. string data) (Kuwahara Figures 2, 3; compare with claim 15 “*... including an identifier*”, and “*associating each of the group objects....in one of the document elements of the tree structure*”).

Kuwahara teaches creating a structured document from an initial output presentation via DTD and an SGML conversion form, (Kuwahara Figure 2, 3, 8, Abstract, column 8 lines 60-67; compare with claim 15 “*creating the structured document....with the one of the displayable objects.*”).

In regard to dependent claim 16, Kuwahara teaches creating a structured document from an initial output presentation via DTD, tree structure, and an SGML conversion form which modifies the output while preserving the same basic layout (Kuwahara Figure 2, 3, 8, Abstract, column 8 lines 60-67).

In regard to dependent claims 17, 18, Kuwahara teaches converting a document with an SGML conversion form, to SGML, which is generally suitable for display on applications made to interpret said language (Kuwahara Figure 8).

In regard to dependent claims 19-20, Kuwahara teaches SGML (Kuwahara Figure 2, 3, 8, Abstract, column 8 lines 60-67). Kuwahara does not specifically teach the Internet. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because SGML and hypertext suggests an Internet embodiment, providing the advantage of a familiar communication medium to Kuwahara.

In regard to dependent claims 21-24, Kuwahara teaches a tree structure comprising document elements, said elements identified with various alphanumeric input data (i.e. string data) (Kuwahara Figures 2, 3).

Kuwahara does not specifically teach selection from a group of elements (font, color, size, style, effect). However, Arn teaches selection from a group of element identifiers, including a style (Arn Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Arn

to Kuwahara, providing a user of Kuwahara the convenience of selecting from a group of elements associated with a document's DTD.

In regard to independent claim 25, claim 25 reflects the computer program product (medium) comprising computer readable code used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 26-27, 29-38, claims 26-27, 29-38 reflect the machine readable medium comprising computer readable instructions for performing the methods as claimed in claims 2-3, 5-14 respectively, and are rejected along the same rationale.

In regard to independent claim 39, claim 39 reflects the computer program product (medium) comprising computer readable code used for performing the methods as claimed in claim 15, and is rejected along the same rationale.

In regard to dependent claims 40, 41, 42, claims 40, 41, 42 reflect the machine readable medium comprising computer readable instructions for performing the methods as claimed in claims 16, 17, 21 respectively, and are rejected along the same rationale.

(11) Response to Argument

Beginning on page 5 of the appeal brief (hereinafter the brief), Appellant argues the following specific issues, which are accordingly addressed below.

- a. *"As recited in Claim 1, Appellant wishes to point out that the tree structure (330) is generated based on a root element....More distinctly, there are three items being displayed as recited in Claim 1: an output presentation (328), a DTD (328) and a derived tree structure (330). Kuwahara neither teaches nor suggests the display of the three items."* (page 5, second to third paragraph from top, of the brief)

The examiner respectfully disagrees. Kuwahara teaches creation of an SGML document from a plain text document. Kuwahara receives a document type definition (DTD) file and a prototype file, which are subsequently used to generate a document type definition reflected as a tree structure of hierarchical elements. Kuwahara Figure 2 (also column 5 lines 50-58), clearly shows a prototype of a plain text document (Figure 2 – left window) correlated (mapped) to a hierarchical tree indicative of said document's "Document type definition" (Figure 2 – right window, including the title). Since Kuwahara's plain text prototype is the same as the initial document (see Kuwahara Figure 3 top window), Kuwahara's Figure 2 shows an output presentation (left window), a DTD (right window), and a derived tree structure (also right window), the root element in this case is the element "DOCUMENT FOR APPLICATION". The DTD and the tree structure are displayed simultaneously.

Appellant's claim 1 recites that these three items are displayed (to a user). The examiner respectfully notes that Kuwahara is moot regarding the display of Figure 2 to a user. Accordingly, the examiner uses the display of Arn to teach this limitation.

b. *“Kuwahara receives a DTD but fails to teach or suggest to generate a tree structure from the DTD. Further, Kuwahara shows in Figure 2 that the correlation is performed directly on the DTD, which teaches away from ‘associating at least one of the document elements in the tree structure with one of the displayable objects.’”* (page 5 – bottom paragraph, of the brief)

The examiner respectfully disagrees. It is respectfully submitted that Kuwahara Figure 2 (right window) shows a tree structure with the title “DOCUMENT TYPE DEFINITION”. The tree elements (i.e. Name, Department, Address) are correlated (mapped) with the elements intended for display (Figure 2 left window).

c. *“Evidently, the Examiner is in denial of or overlooked the fact that the tree structure (330) of Fig. 3B, even if it is a branch of a single tree structure, is generated from the DTD (328) of Fig. 3B as recited in Claim 1. Furthermore, as clearly described between line 25 of page 18 and line 15 of page 19, the tree structure (330) of Fig 3B is produced from the DTD (328) and used to associate with the displayable objects in (322).”* (page 6 – near top paragraph, of the brief)

The examiner respectfully disagrees. It is respectfully submitted that Kuwahara teaches generating an SGML document based upon an inputted prototype document along with a DTD file. The hierarchical presentation of Kuwahara Figure 2 (right window) requires at least the existence of a DTD file, therefore, the tree structure is derived from said DTD. It is respectfully submitted that this teaching teaches Appellant’s claim 1, which claims in pertinent part “*receiving a definition file including document type definitions (DTD) to generate a tree structure of hierarchical relationships of document elements,*”

d. *"It is understood to those skilled in the art, when such association is done, the data or file representing the tree structure will be altered to include the association....In any case, neither Kuwahara nor Arn has taught or suggested 'document type definitions (DTD) to generate a tree structure of hierarchical relationships of document elements'."* (page 6 – second paragraph from bottom, of the brief)

The examiner respectfully disagrees. It is respectfully submitted that Appellant is reading the disclosure into the claims. It is respectfully noted that a main purpose of Kuwahara is the generation of a “conversion form file” (i.e. for converting a document from plain text to SGML), using a prototype file and a DTD file (i.e. items 104-106 of Kawahara Figure 1). Kawahara does specifically alter the DTD file itself. Instead, Kawahara uses these two files to produce a conversion file and table, subsequent to the analysis of Figure 2, so that a final conversion to an SGML document can occur.

The examiner uses Arn to teach the display (to a user) elements of Kuwahara Figure 2. Arn teaches user display of structural documents in a left hand pane comprising hierarchically nested elements (a tree of elements containing a “selected” root element), said elements simultaneously associated and displayed with content portions of a document in a right hand pane (Arn Abstract, Figures 1-6, also page 3 lines 9-14). The hierarchical tree of elements are associated with the document’s DTD, constraining the user to only those modifications allowed by said document’s DTD (Arn page 3 lines 1-14, especially page 6 lines 23-30, page 7 lines 2-4 referencing Figure 1, and page 8 lines 1-20 (especially lines 15-20)).

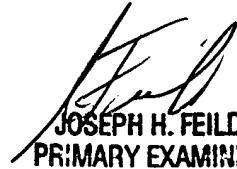
e. *"It respectfully believed that the Examiner provides a broad unsupported general conclusion of obviousness. Pending claims recite clearly that the tree structure is generated from the DTD."* (page 8 – top paragraph, of the brief)

The examiner respectfully disagrees. The examiner's comment in the Advisory Action mailed 8/28/2003 is an observation based on Figure 3B. Preference of display (or requirements etc.) do not preclude the examiner from interpreting Figure 3B in this fashion (as it is displayed). Regarding obviousness (as noted in the Final rejection of the claims), it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the simultaneous split display of Arn to Kuwahara's representation of Figure 2, providing a user of Kuwahara the benefit of simultaneously visualizing document content, its DTD including a tree of corresponding elements and objects, helping to constrain a user to a particular DTD (Arn page 6 lines 23-29).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

William L. Bashore
January 25, 2004



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